IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3370 of 2007

Dattatraya Madhukar Kharat ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Amit A. Karande, Advocate for the Applicant.

Mr U. V. Nikam, A.P.P. for the State.

CORAM: V. C. DAGA,J.
DATED: 18TH OCT, 2007.

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail, under Section 439 of the Cr.P.C., in C.R. No.93 of 2007 registered with Malshiras Police Station, District Sholapur for the offence under Sections 302 and 309 of the I.P.C.

4. Here, I may mention that the observations made by learned Ad-hoc Additional Sessions Judge, in para 6 of the order dated 20.8.2007, while rejecting application for

bail. Para 6 of the said order reads as under:-

" It is true that after the incident of assault on deceased by means of knife the applicant caused self inflicted injury on his left wrist by means of the very same knife. It does not appear that soon after that incident he rushed to a hospital for getting medical treatment to cure that injury. A certificate from Niyer Hospital, Mumbai is secured which speaksof the medical treatment of the applicant to cure that injury.This certificate pertains to the medical treatment given tothe applicant some time in themonth of April, 2007. In other ways, means that the applicant was absconding during the period of a few weeks after that incident and he was staying at remote places. This is a case based upon ocular evidence of five witnesses namely Shantiba, Dhondiram Deshmukh, Sachin Bhosale, Akash Sawant and Anil Ingale. Looking to the conduct of the applicant, the direct evidence appearing against him shall have to be protected and during thecourse of trial. Trial has commenced since the charge has been framed today. In the circumstance of the case and when particularly the applicant is claiming to the handicapped on account of that injury on his left wrist,I see no reason to enlarge him on bail. Best available medical treatment can be given to the accused during his judicial custody. On account of medical treatment to the applicant he need not be bailed out."

5. Looking to the material available on record to connect the present applicant with the alleged offence and for the reasons recorded by the Ad-hoc Additional Sessions Judge, in its order dated 20.8.2007 in B.A.No. 93 of 2007 which still hold gold, this is not a fit case to enlarge the applicant on bail.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)